

EXHIBIT 9

2010

YAR NO 328248

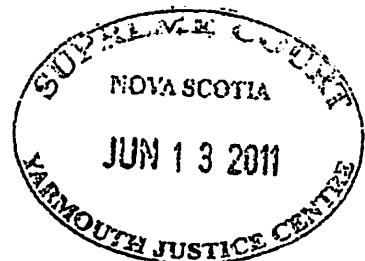
IN THE SUPREME COURT OF NOVA SCOTIA

BETWEEN

Trout Point Lodge, Limited

and

Louisiana Media Company, LLC



Affidavit of Charles Leary

1. I make oath and give evidence as follows:
2. I am Charles Leary of Kemptville, Nova Scotia and Managing Director of Trout Point Lodge, Limited.
3. I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information and belief.
4. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
5. On May 25, 2011 I received an email from Automattic, Inc. Stating: Thank you for forwarding these documents to us. We have forwarded the order you initially presented to the blog owner(s) as per our policies. We provide our users with an opportunity to respond to such orders independently. If we are informed by the blog owner that they do not wish to challenge the order, or if they do not respond to us within a reasonable amount of time, we will deliver the requested information at that time. cc

If you have any questions about this policy, please let me know.

—
Ryan M.

WordPress.com | Automattic

6. On June 2, 2011 I received an email from Automattic, Inc. stating: They have not responded to us within a reasonable amount of time and so we are prepared to cooperate with this request.

It should be noted that only one of the usernames (sop81) you have provided us is that of a WordPress.com user; the remainder are rather of commenters on the site. Because of this, the information available is limited to the email address they have given (which may or may not be valid), and their IP address at the time of the comment in question.

Can you help me please and identify with URLs the specific comments by each user that are in question here? It will greatly speed my response to you as I would assume you already have those comments in mind.

Thank you for your patience.

—
Ryan M.
WordPress.com | Automattic

7. Ryan M. Then provided in a distinct email IP address information and email addresses for the last postings made by the identities contained in the Amended Order of Justice Muise.

8. I am able to identify, or confirm the identity, of two actual persons based on the email address information provided.

9. I am not able to identify Whitermgate or Telemachus based on the information provided.

10. According to DomainTools, a pay-for service, one of the IP addresses for Whitmergate reveals the following information regarding the host domain name server (DNS):.

IP Information for 166.137.12.180

IP Location: United States Harvey Wireless Data Service Provider Corporation

ASN: AS20057

Resolve mobile-166-137-012-180.mycingular.net
Host:

IP Address: 166.137.12.180

NetRange: 166.128.0.0 - 166.255.255.255

CIDR: 166.128.0.0/9

OriginAS:

NetName: NETBLK-CDPD-B

NetHandle: NET-166-128-0-0-1

Parent: NET-166-0-0-0-0

NetType: Direct Assignment

RegDate: 1993-07-09

Updated: 2005-01-07

Ref: <http://whois.arin.net/rest/net/NET-166-128-0-0-1>

OrgName: Service Provider Corporation

OrgId: SPC-10

Address: 73 Old Dublin Pike

Address: Suite 10 #315

City: Doylestown

StateProv: PA

PostalCode: 18901-2491

Country: US

RegDate: 1993-07-09

Updated: 2009-11-16

Ref: <http://whois.arin.net/rest/org/SPC-10>

OrgTechHandle: WDSPC-ARIN

OrgTechName: WDSPCo Helpdesk

OrgTechPhone: +1-215-857-2526

OrgTechEmail:

OrgTechRef: <http://whois.arin.net/rest/poc/WDSPC-ARIN>

OrgNOCHandle: WDSPC-ARIN

OrgNOCName: WDSPCo Helpdesk

OrgNOCPhone: +1-215-857-2526

OrgNOCEmail:

OrgNOCRef: <http://whois.arin.net/rest/poc/WDSPC-ARIN>

OrgAbuseHandle: WDSPC-ARIN
OrgAbuseName: WDSPCo Helpdesk
OrgAbusePhone: +1-215-857-2526

OrgAbuseEmail: 

OrgAbuseRef: <http://whois.arin.net/rest/poc/WDSPC-ARIN>

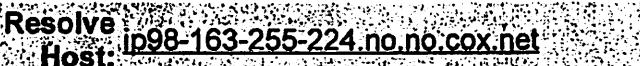
RTechHandle: WDSPC-ARIN
RTechName: WDSPCo Helpdesk
RTechPhone: +1-215-857-2526
RTechEmail:

RTechRef: <http://whois.arin.net/rest/poc/WDSPC-ARIN>

11. According to DomainTools, the IP address reveals the following information for Telemachus reveals the following DNS information:IP Information for 98.163.255.224

IP Location:  United States Chicago Cox Communications

ASN: AS22773

Resolve ip98-163-255-224.no.no.cox.net
Host: 

IP Address: 98.163.255.224  W R P D T

12.

NetRange: 98.163.192.0 - 98.163.255.255
CIDR: 98.163.192.0/18
OriginAS:
NetName: NETBLK-NO-RDC-98-163-192-0
NetHandle: NET-98-163-192-0-1
Parent: NET-98-160-0-0-1
NetType: Reassigned
RegDate: 2008-02-07
Updated: 2008-02-07
Ref: <http://whois.arin.net/rest/net/NET-98-163-192-0-1>

CustName: Cox Communications
Address: 1400 Lake Hearn Dr
City: Atlanta
StateProv: GA
PostalCode: 30319
Country: US
RegDate: 2008-02-07
Updated: 2011-03-19
Ref: <http://whois.arin.net/rest/customer/C01880240>

OrgTechHandle: RWA196-ARIN
OrgTechName: Waldron, Roderick
OrgTechPhone: +1-404-269-7626
OrgTechEmail: 

OrgTechRef: <http://whois.arin.net/rest/poc/RWA196-ARIN>

OrgAbuseHandle: IC146-ARIN
OrgAbuseName: Cox Communications Inc
OrgAbusePhone: +1-404-269-7626

OrgAbuseEmail:

OrgAbuseRef: <http://whois.arin.net/rest/poc/IC146-ARIN>

NetRange: 98.160.0.0 - 98.191.255.255
CIDR: 98.160.0.0/11
OriginAS:
NetName: CXA
NetHandle: NET-98-160-0-0-1
Parent: NET-98-0-0-0-0
NetType: Direct Allocation
RegDate: 2007-07-20
Updated: 2008-03-14
Ref: <http://whois.arin.net/rest/net/NET-98-160-0-0-1>

OrgName: Cox Communications Inc.
OrgId: CXA
Address: 1400 Lake Hearn Dr.
City: Atlanta
StateProv: GA
PostalCode: 30319
Country: US
RegDate:
Updated: 2011-01-27
Comment: For legal requests/assistance please use the
Comment: following contact information:
Comment: Cox Subpoena Phone: 404-269-0100
Comment: Cox Subpoena Info: <http://www.cox.com/policy/leainformation/default.asp>
Ref: <http://whois.arin.net/rest/org/CXA>

13. On or around June 3, 2011, I spoke with Randy Cadenhead, Esq. of Cox Communications. Mr. Cadenhead told me, and I verily believed him, that Cox Communications will not obey a Canadian court order. He told me that Cox does no business in Canada. He also told me that any such order would have to be "domesticated."
14. On or around June 11, 2011, I spoke with Daniel Abel, Esq. of Louisiana. He told me, and I verily believed him, that he could have an order from the Supreme Court of Nova Scotia domesticated and enforced by a judge of competent jurisdiction in Louisiana.
15. I know through personal experience that Cox Communications does business in the State of Louisiana.
16. I verily believe based on the information above that the IP address for Whitmergate belongs to the Cingular mobile telephone service, which in turn belongs to AT&T.
17. Today, I called the AT&T "subpoena group" and this company also requires a court order directed to AT&T Mobility LLC.
18. On June 6, 2011 I wrote to Robert Grant and Karen Bennett-Clayton, counsel for the defendant, by email:

The Plaintiff has received email and limited IP address information from Automatic in response to Justice Muise's Amended Order.

No positive identifications have been made based on this material. We now have independent knowledge of the identity of the Slabbed blog publisher, and intend to pursue separate action against him.

Consistent with the intentions of the Amended Order, the Plaintiff plans to seek identifying information from the Internet Service Providers connected to the IP addresses, either by subpoena or order.

We trust that, as per the previous motion under Rule 14, the Defendant will not oppose such a motion or seek to quash such a subpoena.

19. Neither Mr. Grant nor Ms. Bennett-Clayton have not responded to me.

Sworn to/Affirmed before me
on June 13, 2011

at Yarmouth, Nova Scotia

Charles L. Leary


ELAINE L. D'ENTREMONT
COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA